

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS EYE & EAR INFIRMARY,)

Plaintiff,)

vs.)

Case No. 1:05-cv-11229-NMG

EUGENE B. CASEY FOUNDATION and)

THOMAS F. REILLY, as he is the Attorney General)

of The Commonwealth of Massachusetts,)

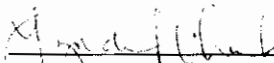
Defendants.)


DEFENDANT EUGENE B. CASEY FOUNDATION'S RULE 16.1(D)(3) STATEMENT

I, Lynda Schuler, counsel for Eugene B. Casey Foundation, hereby affirm that counsel has conferred with Mrs. Betty Casey for the Eugene B. Casey Foundation in accordance with Local Rule 16.1(D)(3), by discussing the potential costs of conducting litigation and the use of alternative means of dispute resolution.

EUGENE B. CASEY FOUNDATION

By its attorney,


Lynda Schuler, Esq.
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
(202) 434-5132
Dated: July 27, 2005


Mrs. Betty Casey, Authorized Representative of
Eugene B. Casey Foundation
Dated: July 27, 2005